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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	No. CR-09-0775 SBA
)	
Plaintiff,)	STIPULATED REQUEST TO CONTINUE
)	HEARING DATE TO JUNE 20, 2012 AND
v.)	TO EXCLUDE TIME UNDER THE
)	SPEEDY TRIAL ACT
JUAN OCTAVIANO LOPEZ)	
GLENDY GOMEZ,)	
Defendants.)	

The above-captioned matter was set for May 22, 2012 for a status conference. That date was vacated and the parties were instructed to set the matter before the Magistrate Court. The parties request that this Court set this matter for status conference on June 20, 2012.

Defendant Lopez was charged on July 29, 2009 with possession of a controlled substance for sale. Attorney Lynn Keslar was originally appointed for Mr. Lopez, and on November 8, 2011, Attorney Erik Babcock was appointed to represent him. Attorney Randall Knox represents Ms. Gomez.

Counsel for Mr. Lopez needs additional time in which to consult with his client, involving further visits at the detention facility. Counsel for both defendants will need additional

STIP. REQ. AND [PROPOSED] ORDER TO CONTINUE
HEARING TO JUNE 20, 2012 AND TO EXCLUDE TIME
No. CR-09-0775 SBA

1 time before being prepared to determine whether or not defendant their clients should enter a
2 change of plea or file motions and to prepare for trial in this matter, and research potential
3 mitigating information for sentencing.

4 The parties agree and stipulate that a continuance is therefore necessary in order to review
5 the discovery and the evidence, evaluate proposed plea agreements in light of the discovery and
6 the evidence, and to meet and confer with Mr. Babcock's client to discuss the discovery and the
7 evidence and to determine whether or not to prepare and file motions in this case and/or to
8 proceed to trial. Counsel for defendants Lopez and Gomez have scheduling conflicts deriving
9 from other state and federal cases between the date of this stipulation and June 20, 2012.

10 The extension is not sought for delay. The parties agree the ends of justice served by
11 granting the continuance outweigh the best interests of the public and the defendants in a speedy
12 trial. Therefore, the parties further stipulate and request that the Court exclude time between the
13 filing of this stipulation and June 20, 2012 the Speedy Trial Act for effective preparation of
14 counsel, continuity of counsel, and pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).

15 DATED: May 31, 2012

16 /s/
17 CHRISTINA McCALL
Assistant United States Attorney

18 /s/
19 ERIK BABCOCK
20 Counsel for Defendant Juan Lopez

21 /s/
22 RANDALL G. KNOX
Counsel for Glendy Gomez

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FINDINGS AND ORDER.

1 The parties jointly requested that the hearing in this matter be continued from May 22,
2 2012 to June 20, 2012 before the Duty Magistrate Judge, and that time be excluded under the
3 Speedy Trial Act between the filing of this stipulation and June 20, 2012.

4 The Court hereby finds that the requested continuance will provide defendants' counsel
5 with necessary time to evaluate the evidence in this case and determine whether or not
6 defendants should enter a change of plea or file motions and to prepare for trial in this matter.
7 Specifically, new counsel was recently appointed for defendant Lopez and new counsel needs
8 additional time review the discovery and the evidence, evaluate the plea agreement in light of the
9 discovery and the evidence, and to meet and confer with his client to discuss the discovery and
10 the evidence and to determine whether or not to prepare and file motions in this case and/or to
11 proceed to trial. Counsel for defendants Lopez and Gomez have scheduling conflicts deriving
12 from other cases between the date of this stipulation and June 20, 2012. The parties agreed that
13 the extension is not sought for delay. The parties further agreed the ends of justice served by
14 granting the continuance outweigh the best interests of the public and the defendant in a speedy
15 trial.

16 For these stated reasons, the Court finds that the ends of justice served by granting the
17 continuance outweigh the best interests of the public and the defendant in a speedy trial. Good
18 cause appearing therefor, and pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv),

19 **IT IS HEREBY ORDERED** that the hearing in this matter is continued from May 22,
20 2012 to June 20, 2012 before the Duty Magistrate Judge, and that time between the filing of this
21 stipulation and June 20, 2012 is excluded under the Speedy Trial Act to allow for the effective
22 preparation of defense counsel, and continuity of counsel, taking into account the exercise of due
23 diligence.

24 DATED: 6/6/12

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26 HON. SAUNDRA BROWN ARMSTRONG
27 United States District Court Judge
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